

WPA 16163 of 2024

Jharna Parui & Ors.

Vs.

The State of West Bengal & Ors.

Mr. Krishna Pada Santra

... .. for the petitioner

Affidavit of service filed in Court today is kept with the record.

The husband/father of the petitioners was an Assistant Teacher of a Primary School. Who died-in-harness on 01.01.2023. The petitioners had completed all pension related formalities after the death of their husband/father. However, the concerned authorities delayed and released the gratuity and arrear pension amount on 20.04.2024. The petitioners herein seek interest to be paid on the gratuity and arrear pension amount for the interim period of delay in receipt of the gratuity and arrear pension amount.

There is a considerable delay in filing of the writ petition, which the petitioners seek to justify by stating that there is no statutory period of limitation and neither of the parties has suffered due to this delay. It is the submission of the petitioners that accordingly the petition should be allowed. The petitioners rely upon an order in W.P. No. 17557 (W) of 2017 (Narayan Chandra Saha Vs. State of West Bengal & Ors.) wherein a co-ordinate Bench had relied upon the Supreme Court judgement in the

case of Union of India Vs. Tarsem Singh, reported in (2008) 8 S.C.C. 648 on the issue of limitation relating to payment or re-fixation of pay or pension wherein the Apex Court had held that relief may be granted in spite of delay as it does not affect the rights of the third party.

In view of the aforesaid, I direct the Director of Pension, Provident Fund and Group Insurance, Government of West Bengal as also the concerned Treasury Officer to pay interest to the writ petitioners @8% per annum on the gratuity and arrear pension amount calculated from 02.01.2023 till the date of actual payment.

Such payment is to be made within a period of eight weeks from the date of communication of this order.

The writ petition is disposed of, however, no order as to costs.

Since no affidavit is called for, the allegations made in the writ petition are deemed to have been denied.

The parties shall act in terms of the copy of the order downloaded from the official website of this Court.

(Rajarshi Bharadwaj, J.)